

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM 10

DATE: June 27, 2016

RECOMMENDATION: Conduct a public hearing to consider the amendment of Regulation XIII – *New Source Review* (specifically Rules 1300 – *General*, 1302 – *Procedure* and 1320 – *New Source Review for Toxic Air Contaminants*) and adoption of Rule 1600 – *Prevention of Significant Deterioration*: a. Open public hearing; b. Receive staff report; c. Receive public testimony; d. Continue hearing to July 25, 2016.

SUMMARY: Regulation XIII – *New Source Review* (specifically Rules 1300 – *General*, 1302 – *Procedure* and 1320 – *New Source Review for Toxic Air Contaminants*) and adoption of Rule 1600 – *Prevention of Significant Deterioration* are proposed for amendment and adoption to allow the Mojave Desert Air Quality Management District (MDAQMD) to officially be delegated authority to implement the Federal Prevention of Significant Deterioration (PSD) Program and to upgrade various provisions in the New Source Review (NSR) program pursuant to U.S. Environmental Protection Agency (USEPA) requirements. Comments received from USEPA and CARB will require substantive changes to the proposed rules necessitating a continuance.

CONFLICT OF INTEREST: None.

BACKGROUND: The Federal Clean Air Act (FCAA) requires that states/local air districts adopt a preconstruction review program for all new and modified stationary sources of pollutants for which their jurisdiction has been classified nonattainment for the Federal Ambient Air Quality Standards (FAAQS). This review applies to “Major” sources of nonattainment air contaminants under the “New Source Review” or “Nonattainment New Source Review” (NSR or NANSR) and is implemented via of Regulation XIII – *New Source Review*. The FCAA also requires that a preconstruction review be performed on certain large stationary sources of attainment air pollutants to ensure that degradation of the air quality does not occur in areas which are currently in compliance with the FAAQS. This program is commonly referred to as “Prevention of Significant Deterioration” (PSD) and has historically been performed in the MDAQMD by the USEPA Region IX.

USEPA has recently been requesting and requiring local air districts to adopt rules and regulation such that they can implement the PSD preconstruction review process and be

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM 10

PAGE 2

delegated the authority to issue PSD permits at the local level. At the same time USEPA is requiring that all local districts' rules involving NANSR provide public notice for a significant number of so called "minor" permitting activities. Furthermore, the Federal Operating Permit Program (Title V Program) contains provisions which would, if approved by USEPA, allow NANSR, PSD and Title V permits and permit amendments to be issued simultaneously. These provisions, called "Enhanced NSR," enable a delegated air district to cut down substantially on the notice and review time required to issue Federal Operating Permits and their amendments.

The proposed amendments to Regulation XIII – *New Source Review* (specifically Rules 1300 – *General*, 1302 – *Procedure* and 1320 – *New Source Review for Toxic Air Contaminants*) and proposed new Rule 1600 – *Prevention of Significant Deterioration* are designed to allow USEPA to delegate PSD authority, adjust the noticing requirements of NANSR to comply with recent USEPA directives regarding the noticing of "minor" source permitting activities, and to allow the MDAQMD to request Enhanced NSR designation such that permitting activities for facilities subject to Title V may be performed concurrently. Additionally the proposed amendments and new rule adoption will clarify some provisions, provide appropriate cross-citations, and correct some minor discrepancies with USEPA requirements contained in the current rules.

The proposed amendments were recommended for approval by the Technical Advisory Committee on June 14, 2016. USEPA and CARB provided comments on June 14, 2016 which required substantive changes to the proposed rules. Such changes necessitate continuation of the the adoption/amendments until the July 25, 2016 meeting.

A Notice of Exemption, Categorical Exemption (Class8; 14 Cal. Code Reg. §15308) will be prepared by the MDAQMD for the proposed amendment of Regulation XIII – *New Source Review* and adoption of Rule 1600 – *Prevention of Significant Deterioration* pursuant to the requirements of CEQA.

REASON FOR RECOMMENDATION: Health & Safety Code §§40702 and 40703 require the Governing Board to hold a public hearing before adopting rules and regulation. Also, 42 U.S.C. §7410(l) (FCAA §110(l)) requires that all SIP revisions be adopted after public notice and hearing.

REVIEW BY OTHERS: This item was reviewed by Karen Nowak, District Counsel as to legal form and by Alan De Salvio, Deputy Director – Mojave Desert Operations on or about June 14, 2016.

FINANCIAL DATA: No increase in appropriation is anticipated.

PRESENTER: Alan DeSalvio; Deputy Executive Director, Mojave Desert Operations.

**MINUTES OF THE GOVERNING BOARD
OF THE MOJAVE DESERT AIR QUALITY MANAGEMENT DISTRICT
VICTORVILLE, CALIFORNIA**

AGENDA ITEM 10

PAGE 3

**ACTION OF THE GOVERNING BOARD
APPROVED**

Upon Motion by **PAUL RUSS**, Seconded by **JEFF WILLIAMS**, as approved by the following roll call vote:

**Ayes: 10 DECONINCK, LOVINGOOD, HERNANDEZ, STANTON,
 LEONE, RIORDAN, WILLIAMS, BENOIT, RUSS, COX**

Noes:

Absent: 3 CAMARGO, RAMOS, COLE

Abstain:

Vacant:

DEANNA HERNANDEZ, EXECUTIVE LEAD

BY 

Dated: JUNE 27, 2016